Maryland Independent House of Delegates Candidate Challenges Ruling That Kept Him Off Ballot

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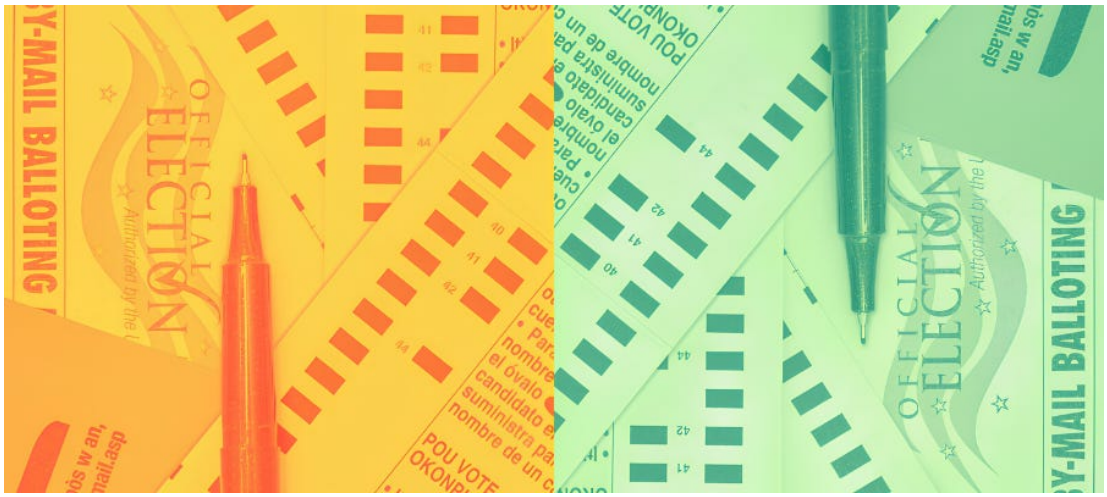

An unaffiliated Maryland House candidate is challenging a state decision that left him 61 signatures short of qualifying for the general election ballot, asking a court to review how officials evaluated his nomination petition and provide records showing why over 200 were rejected.

Brett Shepherd, a candidate for Maryland's House of Delegates District 6, recently told Independent Political Report that he filed a petition for judicial review with the Circuit Court for Anne Arundel County on August 14 after the Maryland State Board of Elections found his nomination petition fell short of the required number of valid signatures. To qualify, Shepherd needed to submit at least 850 valid signatures.

A notice dated August 7 from the state board Shepherd included in his filing states that election officials processed 1,019 signatures from his campaign, accepting 789 as valid and classifying the remaining 230 as invalid. It also stated that, given the shortage, the state administrator would not make any additional determinations about whether it met other legal requirements.

“What makes this especially frustrating is how careful we were,” Shepherd told IPR. “This wasn’t a paid petition drive. It was me, my best friend, and a few family members. We collected more than 1,200 signatures, checked them against the voter rolls ourselves, removed nearly 200 that we thought might be questionable, and submitted the strongest 1,000+.”

In his filing, Shepherd says he has not been told whether officials checked all of his submitted signatures individually or used a random sample, which Maryland law permits in certain circumstances. Depending on which method officials used, he wants records showing either which signatures were rejected and why, or how the sample was selected and used to calculate the final number of valid signatures.

His challenge questions when election officials finished reviewing his signatures in relation to when Shepherd was notified. According to exhibits in the filing, Shepherd emailed the State Board of Elections on August 6 asking for an update. The next day—the same date as listed on the determination notice—the board’s voter registration director told him the local election board was still processing the petition and could not say when it would be finished. Shepherd argues the records available to him do not make clear when the review was completed or the determination finalized.

Shepherd also points out that he did not receive the notice until August 13, six days after it was dated. He cites a Maryland law requiring petition sponsors to be notified within two business days of a deficiency determination, which would have been August 11 had the

decision been made August 7. While not relying on the notice to extend his own deadline for seeking judicial review, Shepherd says the delay left him with less time to investigate the rejected signatures and prepare a challenge before the deadline to take the decision to court.

Shortly after receiving the notice, Shepherd said he asked election officials how he could obtain a list of the rejected signatures and the specific reasons for their rejection. He received an automated out-of-office response directing requests for assistance to another State Board of Elections address, then contacted Baltimore County election officials and forwarded his request to the state voter-registration address. As of his August 14 filing, Shepherd said he still had not received the requested records.

“I’m not claiming that every signature had to be accepted,” Shepherd said. “I just want to know which 230 were rejected, why they were rejected, and whether the review was done correctly. I don’t think an independent candidate should have to file a lawsuit just to get those answers.”

The materials Shepherd provided to IPR include an emergency motion asking the court to speed up release of the election board’s records. Among his other requests related to how the signatures were reviewed and why certain ones were rejected, he wants the board to preserve his petition while the case is pending. Shepherd is also asking to add to his challenge after reviewing those materials and for the court to set an expedited hearing.

If he does qualify, Shepherd would join six other candidates competing for the district’s three positions. Earlier this year, primary voters nominated Democrats Artus Huffman, Megan Ann Mioduszewski, and Rayneika Robinson and Republicans Robin Grammer, Bob Long, and Ric Metzgar.

Editorial note: *Independent Political Report has reached out to the Maryland State Board of Elections for comment and will update this story if a response is received.*